

Exhibit A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

AIPI, LLC, : Civil Action No.:
Movant, : 1:24-mc-2
versus : Friday, January 24, 2025
NETFLIX, INC., : Alexandria, Virginia
Respondent. : Pages 1-28

The above-entitled motions hearing was heard before the Honorable Leonie M. Brinkema, United States District Judge. This proceeding commenced at 10:23 a.m.

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COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

P R O C E E D I N G S

2 THE DEPUTY CLERK: Civil Action Number 1:24-mc-2,
3 AiPi, LLC versus Netflix, Inc.

4 Would counsel please note their appearance for the
5 record, first for the plaintiff.

6 MR. KLA PROTH: Good morning, Your Honor.

7 Brendan Klaproth for AiPi. I have my paralegal here, Lisa
8 Butler, as well. I'm just informing the Court in case I
9 need to consult with her.

10 THE COURT: Would you like to sit up here? You
11 can come up.

12 MR. KLA PROTH: Thank you, Your Honor.

13 THE COURT: Put you within the, you know, scope of
14 the Court in case.

15 MS. BUTLER: Thank you.

THE COURT: All right. And for Netflix..

17 MS. LAMKIN: Good morning, Your Honor.

18 Rachael Lamkin, Cailyn Knapp and Lauren Dreyer here on
19 behalf of Netflix.

20 THE COURT: All right. Well, since you all filed
21 your papers, has there been any further progress in
22 resolving some of these issues?

23 MS. KNAPP: I can speak to the sealing motion,
24 Your Honor.

25 | There has been progress. Counsel for the parties

1 have conferred this morning, and we are in agreement that
2 with the exception of the numbers in Exhibits J and K, the
3 material is not commercially sensitive or has already been
4 made public, and the documents do not meet the standard for
5 sealing.

6 THE COURT: All right. So what we're going to do
7 is we'll issue an order today that orders that all of the
8 sealed materials other than -- well, in J and K, you have --
9 I assume you're having redacted versions that will be
10 publicly available?

11 MR. KLAPROTH: Your Honor, I think it's a little
12 bit more limited. For the first exhibit, it is going to be
13 just be the account numbers, which --

14 THE COURT: I'm sorry?

15 MR. KLAPROTH: For that first exhibit, it is the
16 account numbers.

17 During our meet-and-confer this morning Ms. Knapp
18 indicated that one of the documents we requested be sealed
19 had previously been filed in the underlying litigation. I
20 trust their representation, and we're fine with that
21 particular document being filed publicly. But I think the
22 rest of them --

23 THE COURT: So it is just J then that you want
24 just the account numbers redacted from? Is that all?

25 MS. KNAPP: That's right.

1 MR. KLAPROTH: Yes, that's correct.

2 And then the second exhibit was ...

3 MS. KNAPP: Was K. And Exhibit K --

4 MR. KLAPROTH: Yeah. So that was a document

5 Ms. Knapp indicated had been previously filed publicly.

6 THE COURT: Fine.

7 MR. KLAPROTH: I accept that representation. We
8 withdraw our request.

9 THE COURT: All right. We'll accept that.

10 So the order will reflect that the motion to seal
11 then is denied in all respects except for Exhibit J, right,
12 which will remain in its totality under seal, and you will
13 file a redacted version for public view that simply redacts
14 the account numbers.

15 MS. KNAPP: That's right for Exhibit J.

16 THE COURT: For J.

17 And K is unsealed.

18 MS. KNAPP: That's right.

19 MR. KLAPROTH: And we would request that the
20 remaining exhibits be sealed.

21 THE COURT: Well --

22 MS. KNAPP: So Netflix actually doesn't take any
23 position as to the remaining exhibits. We were opposing the
24 sealing of Exhibits J and K.

25 THE COURT: And the rationale for remaining -- for

1 having the other exhibits remain under seal is what?

2 MR. KLAAPROTH: That they were trade secrets and
3 contained pricing information. But we'll defer to Your
4 Honor.

5 THE COURT: I will tell you that this sealing
6 business -- I'm getting close to the point of just saying if
7 you have a case with me, everything is -- once you come to
8 court -- what you all do during discovery is fine, and
9 that's what our rules are trying to reflect. To enhance
10 discovery, we'll allow the lawyers to put whatever label you
11 want on the documents: Eyes of counsel only, eyes of
12 outside counsel only, whatever you do.

13 But when you come to court and you start filing
14 pleadings, the public has a right to understand what it is
15 that's being litigated in court, and only the most genuinely
16 appropriately sealable materials should be kept sealed. And
17 I find continuously that what lawyers are asking to have
18 sealed is really ridiculous. It's either already publicly
19 out there, or it doesn't qualify. It's just maybe it's
20 embarrassing, we would rather not have this out in the open,
21 but that's not a rationale. And the Fourth Circuit I think
22 in the Conoco case has given us clear direction in that
23 respect.

24 MR. KLAAPROTH: Understood, Your Honor.

25 THE COURT: All right. So then the only thing

1 that's going to be relevant to this motion, the only thing
2 that's going to remain under seal are the account numbers in
3 J. All the other things that were subject to the motion to
4 seal are denied. So they're all remaining public.

5 MR. KLAPROTH: Okay. Thank you.

6 THE COURT: Thank you. All right. Then we have
7 the motion -- the key motion here is the motion for civil
8 contempt, and that one is complicated.

9 So had you worked anything further out on this? I
10 mean, the problem is, I am satisfied from the record before
11 me that AiPi has not properly complied with what is, in my
12 view, a clear obligation to provide a significant amount of
13 discovery which would appear to be available but has not
14 been made available.

15 So have you been able to work any more of this
16 out?

17 MR. KLAPROTH: Your Honor, we've been continuing
18 to talk. Just so you know first off, just to give you
19 context, this is not a case where -- I know most discovery
20 disputes are lawyer-driven; this is not. I've had a very
21 good relationship with opposing counsel.

22 THE COURT: And you're relatively new counsel to
23 this case, too; right?

24 MR. KLAPROTH: Yeah. Unfortunately.

25 THE COURT: You've inherited a lot of grief, I

1 know.

2 MR. Klaproth: I've walked into a quagmire of
3 litigation, and I'm trying to chart a path forward that
4 gives Netflix all the documents they need and we can send
5 them back on their way to the Northern District of
6 California and they can try their case. So that's our goal
7 here. I'm willing to work with them to give them whatever
8 they need.

9 So if it's -- you know, as far as the privilege
10 issue, I mean, my client just doesn't have the resources to
11 fight the privilege issue or to meet the demands of what
12 they need for the privilege logs. My client said let's
13 produce the documents. The problem I'm running into is that
14 there's other interested parties that have a privilege
15 issue. So I --

16 THE COURT: All right. Let me ask you a question.

17 MR. Klaproth: Uh-huh.

18 THE COURT: Is your client, AiPi, LLC, is it or it
19 is not a law firm?

20 MR. Klaproth: I can't really -- I don't know.
21 Right. Because there's no clear definition of what a law
22 firm is. There's lawyers working for them --

23 THE COURT: Well --

24 MR. Klaproth: -- and the plaintiff in the
25 underlying case understood them to be their lawyers. So

1 it's complicated, and it's not the way I would do things,
2 but I can't answer that question. I just don't know.

3 THE COURT: Well, my understanding is there's
4 clear evidence in this record that representations have been
5 made by members of the -- of that entity that it does not
6 provide and did not provide legal advice in the Northern
7 District of California litigation.

8 Is that your understanding?

9 MR. KLAAPROTH: That is my understanding. I've
10 read those declarations. On the other hand, though, there's
11 a situation where the plaintiff in that case is saying they
12 were my lawyers, they were giving me legal advice. And I
13 believe -- and I can stand corrected -- the judge did find
14 that they were acting as lawyers in that case.

15 THE COURT: Were they engaging in the unauthorized
16 practice of law then in California? Are they licensed to
17 practice in California?

18 MR. KLAAPROTH: I don't know. And, you know, I was
19 retained to respond to the subpoena and not the underlying
20 issues, especially anything dealing with California because
21 I'm not licensed there. So I don't know what the ethical
22 rules are in California. And, quite frankly, I don't want
23 to misstate something to the Court, because I just don't
24 know.

25 THE COURT: All right. And I respect you for

1 that. All right.

2 But you know the problems that's going on here.

3 MR. KLAPROTH: Your Honor, it's a mess. It's a
4 mess. And I'm trying my best, and I'm in a very tough spot
5 here, because I'm trying to make sure we overdisclose
6 everything and produce everything, but, at the same time,
7 I'm trying to protect the privilege issues for those
8 underlying parties. Because a lot of the stuff at this
9 point, what we're looking at, I mean, they're seeking
10 documents pertaining to material litigation decisions.

11 Definitionally, I think that entails work product, right.

12 THE COURT: Of course, as you know, there's a
13 significant exception to the attorney/client privilege, even
14 if it exists, for the crime-fraud exception.

15 MR. KLAPROTH: Understood.

16 THE COURT: And there's certainly -- from what I
17 understand is what went on in the Northern District of
18 California and apparently has gone on elsewhere with your
19 client, is there may be a very good basis to find that, in
20 this case, the crime-fraud exception would break any claim
21 of privilege.

22 I mean, you know, there's an argument being made
23 in this case that the individual who brought the patent
24 litigation -- the groundless, meritless patent litigation in
25 the Northern District of California was getting advice from

1 AiPi or other entities that AiPi had pulled together to fund
2 the litigation and then sets up an LLC off shore and, as I
3 understand it, in part from the last hearing as well, monies
4 that this plaintiff had gotten in settlements from other
5 litigation brought were the same sort of problems, where
6 other parties had settled, rather than fighting the way
7 Netflix has in this case, that several hundred thousand
8 dollars may have been sent off shore, and so there's a
9 fraudulent conveyance concern going on.

10 So, I mean, it's a very ugly nasty case, and I
11 think the way in which to get it as well resolved as
12 possible is for your client to just come forward and divulge
13 everything it's got. All right.

14 MR. KLAAPROTH: Your Honor, we're fine with that.
15 I mean, if there's an order, we're going to comply with it.
16 So it's just I don't want to be in a position where I'm
17 waiving, for example, the plaintiff's privilege in the
18 underlying case. And if there was a crime-fraud exception,
19 I think it would probably be best to adjudicate it in that
20 court where the plaintiff's present.

21 THE COURT: Well, I think what's going to have to
22 happen is, if anybody -- if any alleged client of AiPi
23 believes that their, you know, sensitive attorney/client
24 materials are going to be revealed, they need to come into
25 this court and tell us, you know, hey, they were our

1 attorneys, or we were having sensitive conversations or
2 communications with them, and, you know, we're invoking our
3 right to the privilege. It's the client's right.

4 MR. KLAPROTH: Your Honor, I couldn't agree more.
5 And what I tried to fashion, I was just trying to be
6 creative, is to model the Local Rule Civil 5, right, Local
7 Rule 5, where we'll get the documents, I'll sequester what I
8 think could potentially be privileged, send it to the lawyer
9 in the underlying case, Mr. Ramey and Mr. Valjakka, give
10 them a certain time period that the Court thinks is
11 reasonable to assert privilege. And that's what I did. I
12 said you have 14 days, otherwise we're turning it over. And
13 with these particular set of documents, they said no
14 objection. So we're ready to turn those over.

15 With anything else that comes up, for an
16 additional search I think this would be a workable framework
17 where we give them a fixed period of time, if they don't
18 assert privilege, we'll produce it. And if they do assert
19 privilege, I think I can sequester the documents and they
20 can go fight in California over whether those documents
21 should be privileged based on those parties' assertion.

22 THE COURT: No, I think they'll have to come
23 here --

24 MR. KLAPROTH: Okay.

25 THE COURT: -- and they'll have to assert the

1 privilege in front of me.

2 MR. KLAPROTH: Okay.

3 THE COURT: And they'll have to be here in this
4 court; I'm not going to do it remotely; all right?

5 MR. KLAPROTH: Your Honor, I think that makes
6 perfect sense. But I think that framework, if that's
7 agreeable with Your Honor, we will sequester everything and
8 just give them a fixed period of time to whatever the Court
9 deems reasonable to assert privilege, and if they don't,
10 we'll turn it over.

11 THE COURT: All right. Let me hear from defense
12 counsel. Or from Netflix.

13 MS. LAMKIN: Good morning, Your Honor.

14 If I could address anything in each order, the
15 Court is right. Privilege issues under Rule 45 have to
16 happen in the compliance court here.

17 This proposed solution doesn't work for us, Your
18 Honor, because we don't have time. Judge Tigar has already
19 extended the trial four times, and we're very concerned he
20 won't extend it again.

21 THE COURT: Your date is March 25?

22 MS. LAMKIN: 27, Your Honor.

23 THE COURT: 27. Okay. Well, we can speed that
24 up. This shouldn't be that difficult.

25 MS. LAMKIN: It shouldn't, Your Honor. And as

1 this Court knows, this Court already issued an order to
2 AiPi. They did not comply with that order. The production
3 of 33 responsive documents and the search of a single folder
4 hand-created by Morehouse on one laptop is inexcusable.
5 They didn't even look -- they all share an email server.
6 They didn't even search the email server to look at
7 Mr. Lund's emails, Mr. Sheets's emails.

8 And one more thing, Your Honor, because it's
9 important. Mr. Klaproth, we have no issue with him. He has
10 cooperated we think as well as his client will let him
11 cooperate. But, for example, the document he cites where
12 they pulled up Mr. Valjakka's declaration where he said I
13 believe AiPi are my lawyers, in response to that declaration
14 is the declaration Mr. Lund filed, and he said Mr. Valjakka
15 is wrong, we are not his lawyers. We filed that here in
16 this court, ECF 11/2. So even the document they cite to was
17 refuted by AiPi who said, under oath, Mr. Valjakka is wrong,
18 we were never his lawyers, we're not his lawyers now. They
19 did commit the unauthorized practice of law, if I can offer
20 an expedited procedure.

21 The privilege log contains 68 documents. It's
22 woefully deficient. But Mr. Valjakka and Mr. Ramey already
23 waived privilege according to the documents they filed with
24 the Court. Let's immediately get those documents, let's
25 divide them into categories, and let's do the

1 attorney/client privilege exceptions, the crime-fraud
2 exceptions, including the unauthorized practice of law
3 briefing on an expedited basis. At the same time, let's let
4 a forensic discovery third party collect the documents. We
5 can proceed at the same time in parallel.

6 Privilege briefing, especially the exceptions that
7 apply here, as the Court noticed, collect the documents.
8 Once the privilege issue is decided, we think all the
9 documents will come over. That's what we think is the truly
10 expedited procedure that should happen here.

11 THE COURT: All right. Now, the forensic
12 examination, how quickly do you understand it could be done?

13 MS. LAMKIN: I have two associates looking at it
14 now, Your Honor. Within the month, we believe.

15 THE COURT: All right. That would be the end of
16 February?

17 MS. LAMKIN: Yes, Your Honor.

18 THE COURT: That's getting it pretty tight.

19 MS. LAMKIN: We would rather they just turned
20 everything over. We just can't count on that.

21 THE COURT: But the 68 documents are ready to be
22 turned over now?

23 MS. LAMKIN: According to their representation. I
24 don't know why they're still holding them.

25 THE COURT: All right. Let me hear from counsel

1 about the --

2 MR. KLAPROTH: Your Honor, we can turn those over.
3 We were ready to turn them over even before the motion was
4 filed. I just don't want there to be a subject matter
5 waiver where people are turning around looking at me saying
6 we waive --

7 THE COURT: How about I order you to do it.

8 MR. KLAPROTH: That's perfect.

9 THE COURT: That gets you out of it.

10 MR. KLAPROTH: If I have an order, then it's not
11 voluntary.

12 THE COURT: All right. So if the order says the
13 68 documents currently in possession of counsel must be
14 provided -- today is Friday -- by close of business Monday?

15 MR. KLAPROTH: That's fine.

16 THE COURT: All right.

17 MR. KLAPROTH: That's perfectly fine. I'll have
18 them today.

19 THE COURT: We'll have that in the order. Or
20 that's the first thing.

21 All right. The second thing is, I think the
22 forensic discovery is important. That, again, gets you off
23 the hook. I mean, you have an outside third party doing it,
24 so I am going to grant that part of the request.

25 In terms of the cost, however, I'm not going to

1 impose that at this point. If down the road in California
2 you all are successful, I think it's up to the California
3 court to award that as part of the damages you would be
4 receiving. All right. So there wouldn't be any
5 out-of-pocket costs at this point to AiPi.

6 MR. KLAAPROTH: Okay. Thank you, Your Honor.

7 And with respect to the forensic imaging, I'm okay
8 even if they want to find a neutral third party to do a
9 preliminary -- like, if we give terms that says these are
10 documents that are likely to be privileged or have these
11 people's names, if this third party wants to start
12 segregating documents to expedite. Because I'm a two-person
13 law firm, and I'm the only lawyer in Virginia, so I can't go
14 up against, you know, Netflix's team of lawyers. I've
15 dropped everything for the past month just on this to get
16 them their documents. But if it turns over 10,000
17 documents, I'm simply not going to be able to review those
18 documents in a timely fashion with their deadline.

19 So I'm willing to work with them, and if they want
20 to have the forensic examiner who's neutral who can kind of
21 segregate out potentially privileged things, I'm fine with
22 that, too. So whatever expedites the things and makes it
23 easier for everybody, I'm fine with.

24 THE COURT: All right. Yes.

25 MS. LAMKIN: But we should have the privilege

1 briefing concurrent starting now, as soon as we can look at
2 those documents.

3 And I would like to remind my colleague across the
4 aisle, my brother across the aisle and the Court, there are
5 at least three or four attorneys barred in this state
6 associated with AiPi and a related law firm called
7 Whitestone Law. There's no shortage of lawyers that AiPi
8 has chosen. When it will do legal work and when it not is
9 interesting. But they can certainly help collect these
10 documents, review these documents.

11 What we think should happen is forensic discovery
12 immediately. And we'll try to do it faster than a month.
13 Forensic discovery immediately and briefing on the privilege
14 issues now.

15 MR. KLAPROTH: Just two quick responses to that.

16 I think the problem is -- with the lawyers with
17 AiPi is they've been disqualified from -- okay. I'll stand
18 corrected. I -- Judge Tigar issued an order disqualifying
19 certain lawyers from representing, and that's why I had to
20 get involved.

21 MS. LAMKIN: Do you mind?

22 MR. KLAPROTH: Please. Please.

23 MS. LAMKIN: Just quickly, Your Honor.

24 Mr. Morehouse has created two entities. He created AiPi,
25 which he claims is not a law firm; and he created later an

1 entity called Whitestone Law, and they have almost identical
2 overlap between the two entities. Judge Tigard barred
3 Whitestone Law from representing Plaintiff Lauri Valjakka
4 because they have a conflict. So he said Whitestone Law,
5 you cannot represent Mr. Valjakka. He said nothing about
6 the status of AiPi as a law firm or who they may represent,
7 and he certainly did not rule that AiPi's lawyers cannot
8 represent themselves in this matter.

9 THE COURT: All right. Well, again, counsel,
10 neither you nor I know that much about the Northern District
11 case.

12 MR. KLAAPROTH: Unfortunately. And I would like to
13 not know too much more.

14 Just a final issue with respect to the privilege
15 briefing. I don't think it's necessary because we're going
16 to turn this stuff over. And if we have this framework
17 where, you know, the -- Mr. Valjakka or Mr. Ramey has, even
18 if it's seven days to assert privilege over the documents
19 and they don't, the documents are going to get produced. So
20 I don't know why we would need any briefing on the issue. I
21 mean, at the end of it all, if there are certain documents
22 that are withheld, sure. But if they're going to be
23 produced, I don't think we need to --

24 THE COURT: All right. I think the way to do it
25 is -- and, counsel, I'm going to have you draft an order so

1 that we get this as accurate as possible, and you'll have a
2 chance to review it before it comes to court, and if there's
3 a fight over it, sobeit. I know that you are -- right now,
4 there's a redline version of the proposed order, but I want
5 a new one.

6 The new order is going to certainly reflect there
7 has to be full and complete production responsive to
8 Netflix's subpoenaed topics, accompanied by a complete and
9 proper privilege log. I'm not sure that a latter part is
10 going to be necessary. Instead, it should be that any claim
11 by any alleged client of AiPi, any privilege claim must be
12 asserted and filed in this court within seven days of the
13 production of the allegedly privileged material. An oral
14 argument will occur in this court at a time that we'll set
15 once we see what, if any, objections we get. All right.
16 That should cover that particular issue, and I'll let,
17 Counsel, you work out that language.

18 The other issue that is at issue in this motion is
19 discovery into the use of Netflix's AEO financial
20 information. And, again, that's a very important issue
21 because, as I understand it, AiPi should not have that
22 information; right?

23 MR. KLAPROTH: I don't know, but I do know that
24 we're willing to agree to the discovery.

25 THE COURT: All right.

1 MR. KLAPOUTH: You know, as far as the subpoenas
2 involved and their discovery into it, no objection.

3 THE COURT: All right.

4 MS. LAMKIN: Yes.

5 THE COURT: All right. Then forensic discovery,
6 we'll allow that to go forward.

7 There was an issue that the plaintiff has raised
8 about, you know, keywords for search. And, I mean, my
9 exercise with forensic imaging is that it does help if there
10 are, you know, keywords that are being looked for.

11 Are you not able to come up with a list? I would
12 think all these various lawyers' names and the LLC and that
13 sort of thing would be the key things you're looking for.

14 MS. LAMKIN: We're happy to do that, Your Honor.
15 As we understand the process, we give the forensic examiner
16 a set of search terms --

17 THE COURT: Right.

18 MS. LAMKIN: -- the forensic examiner does his or
19 her work and then may suggest additional search terms to
20 use, and we'll follow those threads. So we're fine with
21 proposing the initial search terms, happy to do it. We just
22 don't want to be restricted to those terms if the forensic
23 examiner comes back to us and says, well, you really should
24 look at these five other words.

25 THE COURT: I'll tell you what then, I don't think

1 there's any objection at the first tier, that is there will
2 be a list of search terms.

3 MR. KLAPROTH: Your Honor, whatever they want. We
4 just want light at the end of the tunnel.

5 THE COURT: Right.

6 MR. KLAPROTH: So we don't want them to keep
7 coming back to the well to drink.

8 THE COURT: Here's what I would suggest. With
9 search terms, it would be best if you can put them in the
10 order. Okay. With the caveat that if the forensic
11 examination suggests that it would be reasonable to also
12 look for, you know, A, B and C, you first run that by
13 defense counsel. I'm sorry, defense -- AiPi counsel to see
14 whether there's any objection. If there's no objection,
15 then those can be also searched, but that's it. Only a
16 second look, so-to-speak.

17 Is that -- so that sort of solves the problem
18 about it going on. And there's also going to be a time
19 frame on this thing. It's got to be done early enough so
20 the March 27th deadline is --

21 MR. KLAPROTH: Yeah. And the only concern just if
22 there's too much that I can't physically do the work. So if
23 it comes back with 20,000 documents, I'm not going to be
24 able to do that. Right. So that's the only concern or
25 restriction on our end.

1 THE COURT: Right. But you understand if it comes
2 back with 20,000 documents indicating that there's only like
3 60 or 70 in the first disclosures, not a problem for you,
4 but a problem for your client.

5 MR. KLAAPROTH: And, Your Honor, I totally
6 understand that. And one thing, though, is this is scooping
7 up because my client had a relationship with Mr. Ramey on
8 other cases. So it's scooping up a bunch of other cases,
9 all this stuff, that is just not responsive. So that's
10 what's coming up, and that's what I saw, what this
11 additional search has done. So there is going to have to be
12 a review just to kind of weed that stuff out.

13 THE COURT: All right. Now, there's also an issue
14 about a 30(b)(6) deposition.

15 First of all, let me ask defense -- sorry,
16 Netflix. Do you want just one, or do you want several
17 30(b)(6)s?

18 MS. LAMKIN: Several. Given the context of this
19 motion practice, several.

20 THE COURT: I would think. So Morehouse would be
21 one or not?

22 MS. LAMKIN: Yes.

23 THE COURT: Who else?

24 MS. LAMKIN: We would want to speak to Lund,
25 Morehouse and Sheets.

1 THE COURT: Now, they shouldn't take all that
2 long; should they?

3 MS. LAMKIN: No.

4 THE COURT: Can that be done in one day? Two or
5 three hours per lawyer?

6 MS. LAMKIN: I don't think so, Your Honor, because
7 I think -- and let me just clarify. Mr. Klaproth said that
8 really we should only be talking about the Netflix/Valjakka
9 case. But the Federal Circuit is clear in *RCDI* that all
10 litigation misconduct that is related across all of the
11 cases -- and that's the Federal Circuit's order in *RCDI* --
12 have to be looked at. So it's not just the Netflix/Valjakka
13 case, it's AiPi's misconduct across the entire Valjakka
14 campaign. So those documents will be responsive.

15 I think we should have one 30(b) (6) deposition on
16 its own, one day, and then I can split up Morehouse, Lund
17 and Sheets and their personal depositions in a single day,
18 Your Honor.

19 THE COURT: So you want Morehouse first?

20 MS. LAMKIN: I -- whoever they designate as their
21 30(b) (6) witness can be their 30(b) (6) witness across the
22 topics. I suspect it will be Morehouse. But a 30(b) (6)
23 deposition, and then an individual deposition of Morehouse,
24 Lund and Sheets. And I can do that in one day, Your Honor.

25 THE COURT: Yeah.

1 MR. KLAPROTH: So, Your Honor, the only thing in
2 the subpoena was a 30(b) (6). So what I can say is this,
3 Morehouse is going to be the 30(b) (6) witness and testify on
4 behalf of the company. AiPi right now is Morehouse and
5 three staff members. That's it. So --

6 THE COURT: Well, during the time frame of this
7 campaign, were there other attorneys?

8 MR. KLAPROTH: Yeah. Yeah.

9 THE COURT: There were?

10 MR. KLAPROTH: Yeah. So the issue is control at
11 this point. Right. So I can't -- you know, if people
12 aren't working for AiPi, it's almost like a former employee,
13 I can't force them to appear.

14 THE COURT: I think the main thing is, let's do
15 the Morehouse 30(b) (6) first and see if that creates any
16 problems.

17 MR. KLAPROTH: Okay. I think so.

18 THE COURT: All right. So that needs to get
19 scheduled as soon as possible so that we don't bump into,
20 you know, a time frame issue; all right. And --

21 MS. LAMKIN: Just to clarify, Your Honor. As soon
22 as possible, but after we receive the bulk of the documents.
23 I don't want to have to depose him without the documents.

24 MR. KLAPROTH: He's ready to appear whenever they
25 want.

1 THE COURT: All right.

2 MS. LAMKIN: Great.

3 THE COURT: I'll let you all work that out.

4 So I am granting the motion -- or within the order
5 that Mr. Morehouse will appear for a 30(b) (6) deposition at
6 a time agreed to by counsel; all right?

7 MS. LAMKIN: Thank you.

8 THE COURT: Is there anything else that you want
9 in the order? I think that covers it. All right.

10 MS. LAMKIN: I think so, Your Honor. I would want
11 to -- I think so, Your Honor.

12 I would want to preview one issue that I suspect
13 we're going to have, and that's a spoliation issue, because
14 Mr. Morehouse wanted to restrict the document collection to
15 just his laptop, and it appears that Mr. Sheets and
16 Mr. Lund, among several other people, are no longer with
17 AiPi.

18 So I just want to understand for Mr. Klaproth, did
19 Mr. Morehouse retain the relevant information from Mr. Lund
20 and Mr. Sheets and the other employees that were working for
21 AiPi at the time?

22 MR. Klaproth: So, Your Honor, a lot of these
23 questions -- like, if I was doing this, I would just take
24 the deposition and ask Mr. Morehouse, where are these -- you
25 know, how -- about the system. But I -- so I just don't

1 want to misspeak or misstate anything because I don't know.

2 THE COURT: All right.

3 MR. KLAPROTH: My understanding, though, with that
4 caveat is that AiPi was not issuing devices to people. So
5 if, like, Erik Lund was working on the matter, he was using
6 his only personal laptop. AiPi does have access to the
7 emails, so they've been working to gain access to all the
8 emails.

9 But as far as devices are concerned, the only
10 device -- like, AiPi is Mr. Morehouse at this point, you
11 know. He's got his computer. I've seen the directory, it's
12 very organized. Like Valjakka, sub folder; Netflix with,
13 like, 13 sub folders. He was on all the emails. So he
14 should have everything. And I just can't speak to the other
15 devices. I think they're in the possession of other people.

16 THE COURT: Did they have any kind of cloud
17 service?

18 MR. KLAPROTH: No. I mean, it's not a
19 sophisticated operation. So there's no server I'm aware of,
20 there's no cloud service. It's locally stored on a
21 computer. I mean, he has the computer.

22 THE COURT: All right. Let's take it one step at
23 a time. All right.

24 So everybody is clear then. So in terms of the
25 motion itself, I'm not going to actually do a ruling on

1 motion -- it's a motion for contempt. I'm going to keep it
2 open, and we'll see how the 30(b)(6) deposition goes and see
3 if there's any evidence of spoliation. Because if there is
4 evidence of actual spoliation, then that clearly would
5 support a motion for contempt. All right. Not against you,
6 Counsel.

7 MR. KLAAPROTH: Thank you, Your Honor. Just as
8 long as the Court's aware, I'm doing everything. I've moved
9 deadlines in other cases, I'm supposed to have summary
10 judgment due today. I've dropped everything to just try to
11 placate and get Netflix what it needs. So I am committed to
12 doing that.

13 THE COURT: All right. Anything further on this
14 matter then?

15 MS. LAMKIN: No. Thank you, Your Honor.

16 THE COURT: All right. Then you're all free to
17 go.

18 And Counsel, I'm sorry. Try to get that order
19 done maybe by the end of today so I can be looking at it
20 Monday.

21 MS. LAMKIN: Absolutely, Your Honor.

22 THE COURT: All right.

23 (Proceedings adjourned at 10:53 a.m.)

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2 I certify that the foregoing is a true and accurate
3 transcription of my stenographic notes.

4 Stephanie Austin
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6 Stephanie M. Austin, RPR, CRR
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